

## REMARKS

At the time of the Office Action, Claims 1-8, 10-12, and 14-22 were pending in this Application. Claims 1-8, 10-12, and 14-22 were rejected. Claims 1, 4, 12, and 14 have been amended. Claim 22 has been canceled. Applicant respectfully requests reconsideration and favorable action in this case.

### Claim objection

The Examiner objected to Claim 14 as being dependent upon itself. Applicant wishes to thank the Examiner for identifying this error. Applicant has amended Claim 14 consistent with the Examiner's assumption that Claim 14 was intended to depend on Claim 12.

### Rejections under 35 U.S.C. § 102

Claims 1-8, 10-12, and 14-22 were rejected by the Examiner under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,549,977 issued to Robert W. Horst et al. ("Horst").

In response to the rejection of independent Claim 1, Applicant has, in addition to making broadening amendments, amended to recite **passing a non-data portion access I/O operation to a disk driver for processing**. Applicant submits that Claim 1 as amended is not anticipated by Horst because Horst does not teach, either expressly or inherently, all of the claim elements.

Applicant notes that the claim element added in this amendment is similar to a claim element that was moved from independent Claim 1 as originally filed to subsequently added dependent Claim 21 (now canceled) in a prior amendment. Applicant moved this element to a dependent claim in part because the element was not needed to distinguish between Claim 1 and the reference as interpreted by the Examiner. Because the Examiner has changed the portion of Horst cited to support the anticipation rejection of Claim 1 (i.e., the Examiner has abandoned his reliance on Horst's discussion of queued completion interrupts to support the Section 102(b) rejection and now relies on Column 1 lines 20-33 of Horst), Applicant believes that it is appropriate to re-introduce the claim element regarding access to non data portions of the RAID disk volume into the independent claim. Moreover, Applicant submits that the inclusion of the

claim element in Claim 1 presents no issue regarding new matter or requiring new search since it has been a claim element, in one claim or another, throughout the prosecution of the application.

Horst does not teach passing a non-data portion disk RAID access to a disk driver for processing. Discussing a similar claim element that was present in Claim 1 as originally filed and in discussing the rejection of Claim 21 (now canceled), the Examiner indicates that this element is taught in Column 12 lines 44-57 of Horst. Applicant disagrees.

The cited portion of Horst does not teach either explicitly or inherently passing non-data portion I/O accesses to a disk driver for processing. Instead the cited portion of Horst describes a method (600) for creating a lookup table (510) that maps disk addresses (502) to “activity bins” (504). See, e.g., Column 12, lines 16-21 and 39-43. Horst further describes that the lookup table (510) may be stored in Horst’s ROM (226) or, for quicker access, in RAM (228). Horst does not, however, teach passing non-data disk RAID volume accesses to a disk driver. To the contrary, the clear implication of the cited portion of Horst is that, by storing Horst’s lookup table in ROM 226 or RAM 228, the information provided by lookup table (510) (i.e. the address-to-bin mapping) can be accessed directly by an application running under the operating system. As such, there is nothing explicit or inherent in Horst’s disclosure of storing lookup table (510) in ROM or RAM that teaches passing non-data portion disk RAID volume accesses to a disk driver for processing. Accordingly, Applicant respectfully requests the Examiner to reconsider and withdraw the rejection of Claim 1 and its dependent claims in light of the amendments and remarks presented herein. Similar amendments have been made to and similar remarks apply to Independent Claims 4 and 12 and their respective dependent claims.

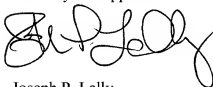
**CONCLUSION**

Applicant believes that this paper contains a reply to each ground of objection and rejection in the Office Action. Applicant respectfully requests reconsideration and favorable action of the claims as amended.

Applicant believes there are no fees due at this time, however, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 50-2148 of Baker Botts L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicant's attorney at 512.322.2680.

Respectfully submitted,  
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A handwritten signature in black ink, appearing to read 'J. P. Lally', written over a horizontal line.

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